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In re Application of :
SO, et al. :
Application No.: 09/937,997 : DECISION ON PETITION
PCT No.: PCT/KR00/00579 :
Int. Filing Date: 02 June 2000 : UNDER 37 CFR 1.181
Priority Date: 03 February 2000 :
Attorney's Docket No.: 98078-88003 :
For: WEB PAGE ACCESSING SYSTEM AND :
METHOD USING REAL NAMES :

This notification is in response to applicant's "Response to Notification of Missing Requirements Under 35 USC 371" filed 11 February 2002 in the United States Patent and Trademark Office (USPTO). Applicant's response is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 02 June 2000, applicants filed international application PCT/KR00/00579, which claimed a priority date of 03 February 2000. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 09 August 2001. A Demand for international preliminary examination, in which the United States was elected was not filed prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 03 October 2001.

On 28 September 2001, applicants submitted a transmittal letter for entry into the U.S. national stage (Form PTO-1390), which was accompanied by, *inter alia*, the U.S. Basic National Fee; an English translation of the International Application and a First Preliminary Amendment.

On 14 November 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 11 February 2002, applicant responded with the present "Response to Notification of Missing Requirements Under 35 USC 371" accompanied by a combined declaration and power of attorney executed by the inventors and an affidavit of Sandra C. Phillips. Applicants response included the request that the response be considered timely filed as of the date indicated on the certificate of mailing.

DISCUSSION

Applicant's response filed 11 February 2002 is considered to allege and provide a satisfactory showing that the notification mailed 14 November 2001 was received by applicants at their mailing address (counsel's firm address of record) on 05 January 2002. Such a date would have provided only nine days to respond within the unextended response period set forth in the notification. Therefore, the petition is construed as a petition under 37 CFR 1.181 requesting that the notification mailed 14 November 2001 be vacated to the extent that a response was required to be filed within two months of the mailing date.

A petition requesting restarting a previously set response period due to the late receipt of an office action will be granted when (1) the petition is filed within two weeks of the actual receipt date of the office action; (2) a substantial portion of the set response period has elapsed as of the date of receipt of the office action; and (3) satisfactory evidence of the date of receipt together with a satisfactory statement explaining the evidence is furnished. (See the guidelines set forth at MPEP 710.06.)

Regarding item (1) above, applicant's response was certified as having been mailed on 17 January 2002. Applicant's furnished copy of the notification is stamped as received 05 January 2002. Therefore, applicants have satisfied item (1) above. In addition, most of period set for a response had expired by 05 January 2002. Lastly, applicants have furnished an affidavit explaining the docketing procedures for the law firm, as well as, the specific office action in question. As such, it is proper to grant applicant's petition under 37 CFR 1.181 at this time.

Applicant's petition contains the request that the response be considered as being timely filed as of the date indicated on the certificate of mailing. While applicant's have provided sufficient evidence to grant the present petition, the date in which all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied is the date the final requirement is filed in the USPTO. In the present case that date is 11 February 2002.

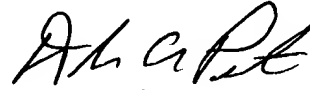
CONCLUSION

As so construed, the petition under 37 CFR 1.181 is GRANTED to the extent indicated above.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing, including preparation and mailing a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **11 February 2002** under 35 U.S.C. 371(c) and issuing a Filing Receipt.



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